

company, in violation of the food and drugs act, in two consignments, on or about January 28 and June 11, 1925, respectively, from the State of Missouri into the State of Louisiana, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Butter."

Analysis by the Bureau of Chemistry of this department of eight subdivisions from each shipment showed an average of 77.6 per cent and 78.9 per cent of milk fat.

Adulteration of the article was alleged in the information for the reason that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and prescribed by the act of Congress of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the tubs containing the article, was false and misleading, in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, whereas it was not butter as defined and prescribed by law but was a product containing less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, butter.

On December 28, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$52.

W. M. JARDINE, *Secretary of Agriculture.*

14884. Misbranding and alleged adulteration of orange product. U. S. v. 10 Cases of Orange Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21372. I. S. No. 11049-x. S. No. W-2040.)

On November 11, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases of orange product, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Snyder Confectionery Co., from Los Angeles, Calif., September 29, 1926, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can, red label) "Snyder's Condensed Nu-Orange," (blue label) "Snyder's Nu-Orange Marma-Jam A Wholesome, Delicious Natural Product Specially Processed By Snyder Fruit Confection Co. Glendale, California."

Adulteration of the article was alleged in the libel for the reason that orange pulp containing peel from which the juice had been pressed had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, orange juice, had been wholly or in part abstracted from the said article.

Misbranding was alleged for the reason that the statement "Snyder's Nu-Orange Marma-Jam" borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On January 11, 1927, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14885. Adulteration of canned blackberries. U. S. v. 486 Cases of Blackberries. Default decree of destruction entered. (F. & D. No. 21104. I. S. No. 10644-x. S. No. W-1986.)

On June 5, 1926, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 486 cases of canned blackberries, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by J. A. Stewart, from

Tacoma, Wash., on or about January 14, 1926, and transported from the State of Washington into the State of Utah, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On November 1, 1926, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14886. Adulteration and misbranding of butter. U. S. v. 143 Tubs and 150 Cartons of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21315. I. S. Nos. 5081-x, 5082-x. S. No. E-5865.)

On or about September 20, 1926, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 143 tubs and 150 cartons of butter, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Harrow-Taylor Butter Co., from Kansas City, Mo., and transported from the State of Missouri into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Print) "Richfield Creamery Butter * * * Harrow-Taylor Butter Co. Kansas City."

Adulteration of the article was alleged in the libel for the reason that a substance low in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and in that the statement "Butter" was false and misleading and deceived and misled the purchaser.

On October 30, 1926, the Harrow-Taylor Butter Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$10,000, conditioned in part that it be reworked in compliance with the requirements of the law.

W. M. JARDINE, *Secretary of Agriculture.*

14887. Adulteration of canned cherries. U. S. v. 300 Cases of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19994. I. S. Nos. 14750-v, 19720-v. S. No. C-5013.)

On April 11, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 cases of canned cherries, remaining unsold at Cincinnati, Ohio, consigned by the Westfield Fruit Products Co., Westfield, N. Y., on or about January 17, 1925, alleging that the article had been shipped from Westfield, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Country Club Brand Sour Pitted Cherries."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On October 5, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14888. Adulteration and misbranding of middlings. U. S. v. 150 Sacks of Middlings, et al. Decrees of forfeiture entered. Product released under bond. (F. & D. Nos. 21522, 21535, 21611. I. S. Nos. 7511-x, 13605-x, 13607-x. S. Nos. E-5927, E-5935, E-5942.)

On January 8, 19, and 29, 1927, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure